## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND Baltimore Division

CBRE REALTY FINANCE TRS, LLC,	)	
Plaintiff,	)	
	)	
V.	)	G N 00 1064
BRIAN A. MCCORMICK	)	Case No. 08-cv-1964
and	)	
CHARLES W. MOORE,	)	
Defendants.	) ) )	

## MOTION FOR ENTRY OF FINAL JUDGMENT INCLUDING INTEREST

On December 8, 2009, this Court granted Plaintiff RFC TRS, LLC's Motion for Summary Judgment and awarded it damages in the amount of \$22,621,414.34. The Court withheld entry of a final judgment pending a motion for prejudgment interest and attorneys' fees.

In the interest of expediency, Plaintiff is not seeking entry of an award of the attorneys' fees it has incurred to date prosecuting this litigation (although Plaintiff reserves its right to collect fees and expenses it may incur in the future, including to collect on the judgment). Plaintiff respectfully requests that the Court enter a final judgment in the amount of \$23,962,895.20. This amount includes the damages identified in the Court's December 8 order and prejudgment interest from May 27, 2007, thirty days from the date Plaintiff made a demand under the Guaranties at issue in this action, *see* Farr Decl. Exh. 29 & 53, to December 8, 2009, the date of the Court's summary judgment order.

Because Maryland courts "award prejudgment interest to place the injured party in a breach of contract case in the same position [it] would have occupied had the defendant not broken its promise," it is appropriate to run prejudgment interest from the date of Plaintiff's demand. *See Hirsch-Chemie Ltd. v. Johns Hopkins University*, 61 F.3d 900 (Table), at \*10 (4th Cir. 1995) (citations and quotation marks omitted); *see also Loginter S.A. Y Parque Industrial Agua Profunda S.A. v. M/V Nobility*, 177 F. Supp. 2d 411, 421-22 (D. Md. 2001); *Bruzzone Consol. Inc v. M/V Blue Eagle*, 713 F. Supp. 146, 153 (D. Md. 1989).

Calculating interest at an annual rate of 2.34 percent (the rate identified in the Court's summary judgment decision) results in prejudgment interest of \$1,341,480.86. There were 925 days between May 27, 2007 and December 8, 2009. Multiplying 22,621,414.34 by 0.0234 by 925/365 produces 1,341,480.86. That is the amount of pre-judgment interest. Together with the judgment amount, it totals 23,962,895.20.

Plaintiff also request that the Court's final judgment order post-judgment interest at the same rate (\$1450.25 per day) from December 8, 2009 to the date of payment.

Dated: December 22, 2009 Respectfully submitted

/s/ George R. Calhoun

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